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IN CLERK'S OFFICE  
U.S. DISTRICT COURT - E.D.N.Y.

December 16, 2005

★ JAN 10 2006 ★

**BROOKLYN OFFICE**

The Honorable David G. Trager  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**BY FACSIMILE TO (718) 260-2518**

RE: Toyota Motor Sales U.S.A. Inc. et al. v. Aliments Lexus Inc. et al.  
Civil Action No. 02-0013 (DGT)

Dear Judge Trager:

We represent the Defendants in the above-referenced case. This case is presently set down for trial beginning on January 24, 2006. The due date set by the court for a joint pre-trial order to be submitted is December 20, 2005. Further to the Court's Chambers Rules, motions in limine, among other things, are due on or before January 9, 2005, and the parties shall exchange exhibits on or before January 14, 2006.

While counsel for the parties have been diligent in preparing the joint pre-trial order and have been attempting to stipulate on as many matters as possible, it has become clear that they will be unable to present a final joint pre-trial order on December 20, 2005. Accordingly, counsel jointly propose the following.

Counsel will submit a preliminary joint pre-trial order on December 20, 2005, addressing all matters except exhibits and subject to the final approval of their respective clients. Counsel then propose to exchange exhibit books and develop the schedule pursuant to 5.x. of the Court's Chambers Rules. A final joint pre-trial order would then be delivered to the Court on January 3, 2006. The parties would also request that they be permitted to comply with the January 9, 2006, due date no later than January 10, 2006.

Very truly yours,



Barbara L. (Pixie) Waite

BLW/mcm

cc: Mr. Alan Cooper, counsel to Plaintiffs, by facsimile

**APPLICATION GRANTED.  
SO ORDERED.**

s/David Trager / 16 / 05  
David G. Trager  
United States District Judge